IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 9348 of 2004

Between:

Dr. M. Harischandra Reddy, S/o. M. Krishna Reddy,
Dental Surgeon Near Peoples Ploy Clinic, Brundavanam, Nellore.

..... PETITIONER

AND

1 Government of Andhra Pradesh Department of Medical and Health Secretariat, Hyderabad. rep by its Secretary
2 A.P. State Dental Council C/o. Government Dental College and Hospital Hyderabad Rep by its Registrar

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the action of the 1st respondent in not passing any orders on the stay petition filed along with the appeal dated 17-5-2004 as illegal and arbitrary and consequently stay the order of the 2nd respondent passed in reference No. 69/APSDC/2003 dated 19-4-2004 pending disposal of the appeal before the 1st respondent and pass

Counsel for the Petitioner:MR.O.MANOHER REDDY

Counsel for the Respondents: GP FOR MEDICAL HEALTH & FAMI.WELFARE

The Court made the following :

ORDER:

The petitioner is a Dental Surgeon practicing as Dentist at Nellore. His name was enrolled in the Registrar under the provisions of the Dentist Act by A.P. State Dental Council.

It is stated that the petitioner has released certain advertisements contrary to his own affidavits, agreeing not to publish in media and will not violate the provisions laid down in Code of Ethics and therefore, action has been initiated against the petitioner for resorting unethical practice of giving adds in News papers/Television channels. A show cause notice dated 8-3-2004 was issued and pursuant to the show cause notice, the Dental Council met on 27-3-2004 and unanimously resolved to impose fine of Rs.1,000/- for punishment for violating the provisions laid down in Code of Ethics within 30 days.

Aggrieved by the Order dated 19-04-2004 passed by the A.P. State Dental Council , petitioner filed an appeal before the Hon'ble Minister for Medical and Health, Government of Andhra Pradesh.

Admittedly the appeal is pending before the first respondent. It is the case of the petitioner that he has questioned the order of the second respondent in imposing a fine of Rs.1,000/- and therefore, he is entitled to get the stay of said order. This Court by order dated 25-05-2004 in WPMP No. 11986 of 2004 granted interim stay

of the proceedings of the second respondent dated 19-04-2004.

The petitioner admittedly preferred an appeal before the 1st respondent on 17-05-2004 and appeal is still pending. Therefore, I am of the opinion that it is just and proper for the appellate authority to dispose of the said appeal in accordance with law.

Accordingly the 1st respondent is directed to dispose of the appeal of the petitioner filed on 17-05-2004 within six weeks after giving reasonable opportunity to the petitioner and till then the interim stay granted by this Court staying the order of the 2nd respondent shall continue.

V.ESWARAIAH,J

16-03-2005

Stp

To:

1 The Secretary, Government of Andhra Pradesh Department of Medical and Health Secretariat, Hyderabad.
2 The Registratr, A.P. State Dental Council C/o. Government Dental College and Hospital,Hyderabad .

3. Two CCs to GP FOR MEDICAL HEALTH & FAMI.WELFARE,A.P.High Court Buildings,(OUT).

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